

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00174-MR**

ROMEAL BRICE,)	
)	
Plaintiff,)	
)	
vs.)	
)	
M.E. MORGAN, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court *sua sponte*.

The *pro se* Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Gaston County Jail. [Doc. 1]. On August 5, 2021, mail from the Court to the Plaintiff was returned as undeliverable; the envelope was stamped “inmate no longer confined.” [Doc. 8 at 1]. On August 11, 2021, the Court issued an Order requiring the Plaintiff to update his address of record and inform the Court whether he intends to proceed with this action within 10 days. [Doc. 9]. The Plaintiff was cautioned that, should he fail to timely comply with the Order, the action would be dismissed without prejudice and closed without further notice. [Id.].

The Plaintiff has failed to respond to the August 11 Order, and the time to do so has expired. The Plaintiff appears to have abandoned this action,

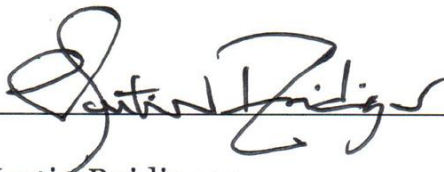
and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is directed to terminate this action.

IT IS SO ORDERED.

Signed: August 26, 2021



Martin Reidinger
Chief United States District Judge

